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Editorial: School Board not yet square with sunshine law

Las Cruces Sun-News

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In a clumsy attempt to confess to and make amends for previous violations of the state Open Meetings Act, the Las Cruces Public Schools Board of Education appears to have violated the state Open Records Act.

During a school board retreat held April 28 at the LCPS Professional Development Center, the board decided to hire an investigator to look into complaints about the district's alternative middle school, which is headed by the fiancée of Superintendent Stan Rounds. They decided to do it, and in fact have since negotiated a contract for those services. But they never voted to do it in a public meeting, as required by state law.

Any vote taken at the retreat would have violated the Open Meetings Act because there had been no advance public notice that the board was contemplating such an action.

Less than two weeks after the April 28 meeting, the board violated the Open Meetings Act again on May 5, when it voted to defund the alternative middle school, once again, without providing prior notification to the public.

And so, there was a lot to make up for Tuesday when the board passed a new resolution to give itself a great big do-over. They voted to amend the public record to reflect what would have happened, had they followed the law.

They had attorneys write up legal notices that would have been published in local newspapers. And, they amended the record to reflect a 3-2 vote in favor of hiring an investigator — when such a vote never happened.

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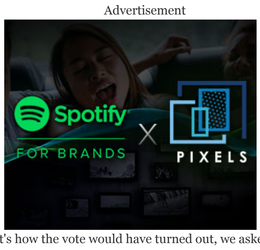

How did they know that's how the vote would have turned out, we asked. Because of the observations of an attorney, they replied.

Who voted for and who voted against the investigation, we asked. We can't tell you, they replied.

Well, that certainly clears things up.

All of this comes weeks after school district officials refused to release data for each school from the new teachers evaluation system. That data has been made public in other districts throughout the state. But LCPS officials argue that even though they have the data, they don't have to comply with inspection of public records requests to release it unless they choose to use it in a report.

The New Mexico Open Meetings Act was passed in 1978. In the 37 years since then, there has been only one public body criminally convicted of violating that act — the Las Cruces Board of Education. And their offense involved signing contracts to expend public money in secret.

There is a way to fix this, but it requires voiding the previous action and doing it again the right way.

You can't just amend the record to pretend like you did.

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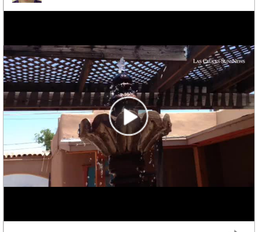

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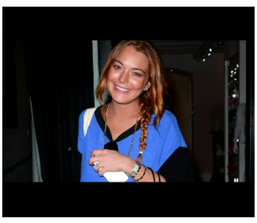

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